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January 31, 2013

Via ECF

Hon. Judge Vera M. Scanlon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Otter Products LLC v. One Click Enterprises 1, Inc. and Igor
Zomin (1:12 CV 05734(RTD)(VMS)(E.D.N.Y.)

Dear Judge Scanlon:

We represent the Defendants One Click Enterprises 1, Inc. and Igor Zomin in the referenced action.

We are contacting the Court pursuant to the Court's request that the parties advise the Court if a settlement conference would be effective and provide proposed dates for settlement conference.

Defendants believe that settlement conference would not be effective if each party has not had an opportunity to receive the information it has requested in discovery. In this case, Defendants are owed supplemental responses to their discovery requests. The parties recently have met and conferred pursuant to the Local Rules and there are several outstanding areas of deficiencies in Plaintiff's production of documents. Some of which Defendants intend to raise with the Court shortly.

Defendants have offered Plaintiff a date for inspection of Defendants' products and a deposition of Defendants on March 5 and 6, 2013. As of the writing of this letter, Plaintiff's counsel has indicated that Plaintiff may want to mediate immediately after the deposition of Defendants on March 5 and 6, however, Defendants' position is that if Defendants' deposition occurs on March 5 and 6, any mediation should be postponed until after Plaintiff has provided sufficient responses to discovery and Plaintiff has been deposed and the parties should propose mediation dates at that time. As of the writing of this letter, the undersigned has not received any confirmation of dates that Plaintiff is available for mediation.

As of the writing of this letter, Plaintiff's counsel has indicated that it will provide

its own letter to the Court.

Respectfully submitted,


Edward P. Kelly

CC: Chris Pham, Esq.
Ani Garibyan, Esq.
Counsel for Plaintiff (via ECF and email)